

CITY COUNCIL AGENDA

JUNE 14, 2005

AMENDED AGENDA

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 6)**
Students from Benjamin Cory Elementary School, in recognition of the closing of their school at the conclusion of the current academic year.
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

***See New Item 1.2:** Presentation of a commendation to the Refugee and Immigrant Forum of Santa Clara County in honor of World Refugee Day on June 20, 2005. (Yeager)

***See New Item 1.3:** Presentation of commendation to Dr. Tae Yun Kim for her career of dedication and service to the people of our community. (Mayor)

RECOMMEND DEFERRAL TO 6/21/05

ITEM 10.1, 10.2 and 10.3 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the St. Paul Missionary Baptist Church for their 50th Anniversary. (Campos)
* (Rules-in-lieu referral 6/8/05)
- *1.2 Presentation of a commendation to the Refugee and Immigrant Forum of Santa Clara County in honor of World Refugee Day on June 20, 2005. (Yeager)
- 1.3 Presentation of commendation to Dr. Tae Yun Kim for her career of dedication and service to the people of our community. (Mayor)
* **RECOMMEND DEFERRAL TO 6/21/05**

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- * (a) Regular minutes of February 1, 2005.

2.2 Final adoption of ordinances.

- * (a) ORD. NO. 27458 – Amends Section 23.04.610 of Chapter 23.04 of Title 23 of the San José Municipal Code to exempt certain temporary signage associated with temporary outdoor use of private property in the Downtown Core.

2.3 [Approval of a grant agreement to accept funding for the South Bay Water Recycling Improvements Project \(Zone 3\).](#)

[Supplemental](#)

Recommendation: Adoption of a resolution ratifying the grant application submitted to the State Water Resources Control Board (SWRCB) and authorizing the City Manager to execute a grant agreement to accept up to \$4,000,000 in funding from SWRCB for reimbursement of costs associated with the South Bay Water Recycling (SBWR) Zone 3 Improvements Project. CEQA: Resolution No. 64667, and Mitigated Negative Declaration File No. PP-00-05-072, and addenda thereto, File No. PD03-077, SP04-054 and PD04-68. Council Districts 3 and 8. (Environmental Services)

2 CONSENT CALENDAR

2.4 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation:

- (a) [Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #18 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation\(s\). \(Finance\)](#)
- (b) [Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #19 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation\(s\). \(Finance\)](#)

2.5 [Approval to purchase four pumps for the Water Pollution Control Plant.](#)

Recommendation: Approval of a sole source purchase of a Flowserve Rotating Assembly for the Department of Environmental Services from Pacific Water Resources, for a total cost not to exceed \$140,800, including tax and delivery, and authorization to the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)

2.6 [Approval to purchase freestanding furniture for the Camden Community Center.](#)

Recommendation: Report on bids and award for the purchase of freestanding furniture for the Camden Community Center to JHL Office Interiors, for a total cost not to exceed \$120,992.00, including tax and delivery and authorization for the Director of Finance to execute the agreement and purchase order. CEQA: Not a Project. Council District 9. (Finance)

2.7 [Approval to purchase portable radios, accessories and extended warranties.](#)

Recommendation: Approval of the sole source purchase of 60 Motorola XTS5000 portable radios, related accessories and extended warranties and 60 Motorola EX600 portable radios and related accessories from Motorola, Inc., for the Police Department for a total cost not to exceed \$313,947.90, including tax, delivery, 3-year extended warranty, and authorization for the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)

2.8 [Approval to amend agreements for the San José Municipal Health Services Program.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to the provider agreements with Gardner Family Health Network, Inc. and the County of Santa Clara for participation in the San José Municipal Health Services Program, extending the term from June 30, 2005 through June 30, 2008. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

2 CONSENT CALENDAR

2.9 [Approval of an agreement for the Lower Silver Creek Trail Master Plan.](#)

- * **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Santa Clara County Open Space Authority (OSA) for use of 20 Percent Funds in an amount not to exceed \$250,000 for the Lower Silver Creek Trail Master Plan and associated environmental documents. CEQA: Exempt, PP05-135. Council District 5. SNI: East Valley/680 Communities/Mayfair/Gateway East. (Parks, Recreation and Neighborhood Services)

2.10 [Approval of actions related to Maintenance Districts.](#)

Recommendation: Adoption of resolutions approving, confirming and adopting the Annual Budget Reports for Fiscal Year 2005-06 for City of San José Maintenance Districts 1, 2, 5, 8, 9, 11, 13, 15, 18, 19, 20, 21 and 22 and levying the assessments therein. CEQA: Not a Project. Council Districts 2, 3, 4 and 8. (Public Works)

2.11 [Approval to award a contract for the Willow Street Storm Pump Station Project.](#)

Recommendation: Report on bids and award of contract for the Willow Street Storm Pump Station Project to the low bidder, Mitchell Engineering, in the amount of \$187,000, and approval of a contingency in the amount of \$18,700. CEQA: Exempt, PP05-044. Council District 6. (Public Works)

2.12 [Approval to reject all bids and re-bid the 84-inch RCP Interceptor Rehabilitation Project.](#)

Recommendation: Approval to reject all bids for the 84-inch RCP Interceptor Rehabilitation Phase VIB Project and authorization for the Director of Public Works to advertise and re-bid the project. CEQA: Exempt, PP 02-05-114. Council Districts 3 and 4. (Public Works)

2.13 [Approval to amend the agreement for the Sports Park at Singleton.](#)

Recommendation: Approval of the first amendment to the master agreement with Callander Associates Landscape Architecture, Inc. for consultant services for the Parks Bond Sports Park at Singleton, extending the term of the agreement from June 30, 2005 to June 30, 2008, at no cost to the City. CEQA: Not a Project. (Public Works)

2 CONSENT CALENDAR

2.14 [Approval to amend an agreement for the Geographic Information Systems Layers Project.](#)

Recommendation: Approval of the second amendment to an agreement with MRF Geosystems Corporation for a Spatial Adjustment of Street Centerline, Parcel and Related Geographic Information Systems Layers Project, increasing compensation by \$137,000, from \$991,400 to \$1,128,400, and extending the term of the agreement to March 31, 2006. CEQA: Not a Project. (Public Works/Planning, Building and Code Enforcement).

2.15 [Approval to award the purchase of Switch Equipment and Software for the New City Hall.](#)

- * **Recommendation:** Report on bids and award the purchase of KVM (Keyboard/Video/Mouse) switch equipment and software to the low responsive bidder, Systems Technology Associates, Inc., at a total cost of \$217,812.90 including tax, freight and two years of maintenance, service, and warranty support with the option to extend the initial maintenance period for another two years and authorize the Director of Finance to:
- (a) Execute the purchase order for the immediate purchase of 45 KVM switches, 720 switch/server interface modules, twenty software user licenses, and one authentication software license; and
 - (b) Execute the purchase order for additional quantities of equipment and software licenses on an as-required basis at the same unit price for a period of twelve months after the initial award is placed, without further Council action other than appropriation of funds; and
 - (c) Execute the option to purchase an additional two years of maintenance, service and support for the initial and any subsequent purchases of equipment and software at the unit price bid without further Council action other than appropriation of funds.
- CEQA: Not a Project. (Finance)
(Rules-in-lieu referral 6/8/05)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair

- * **Recommendation:** Approval of minutes.
- (a) Ethics Study Session minutes of January 27, 2005.
 - (b) Study Session on City's Budget Projections & Priorities minutes of January 31, 2005.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – June 1, 2005

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review June 14, 2005 Council Agenda
 - (2) Add New Items to June 7, 2005 Agenda
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
 - (1) Arts Commission
 - (2) Early Care and Education Commission
 - (3) Historic Landmarks Commission
 - (4) Library Commission
 - (5) Parks and Recreation Commission
 - (6) Senior Citizens Commission
 - (7) Traffic Appeals Commission
 - (8) Community Development Block Grant Steering Committee
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Recommendation for Increased Fire Safety Measures in Apartment Complexes
- (h) Oral Communications
- (i) Adjournment

3.3 Report of the Making Government Work Better Committee Council Member Reed, Chair

3.4 [Approval of an agreement for the New City Hall.](#)

- * **Recommendation:** Approval of the second amendment to the consultant agreement with Johns/Rife Group to provide additional professional services related to furniture programming and design services for the New Civic Center Project, increasing the compensation by \$234,535 from the original agreement amount of \$1,033,166 to a total agreement amount not to exceed \$1,267,701 and extending the term of the agreement from June 30, 2005 to December 31, 2005. CEQA: Resolution No. 68905. (General Services)

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of actions related to the Mexican Heritage Cultural Gardens.

* **Recommendation:**

- (a) Adoption of the following appropriation ordinance amendments in the General Fund:
 - (1) Increase the Mexican Heritage Cultural Gardens appropriation by \$14,482.
 - (2) Increase the Office of the Mayor appropriation by \$20,000.
 - (3) Decrease the Contingency Reserve by \$34,482.
- (b) Adoption of a resolution authorizing the City Manager to:
 - (1) Negotiate and execute a second amendment to the Operation and Maintenance Agreement entered into by City and Mexican Heritage Corporation ("MHC") on March 7, 1996, to make an advance payment of the Operation and Maintenance Payment due to MHC on July 1, 2005 in an amount equal to \$34,482.
 - (2) Negotiate and execute a second amendment to the Loan Agreement dated July 17, 2000, to revise the payment schedule for repayment of the loan in 2005, to defer the repayment date of the \$50,000 loan installment, to revise the loan repayment schedule to provide for 11 equal monthly payments starting on August 1, 2005, and as of July 1, 2006, to provide that the repayment amounts due each year throughout the remaining term of the loan shall be divided into 12 monthly installments if practical, and to make corresponding amendments to the Promissory Note executed by MHC.
 - (3) Supersede the \$20,000 Grant Agreement executed by the City and MHC on June 2, 2005.

CEQA: Not a Project. (City Manager's Office)
(Referred from 6/7/05 – Item 3.7)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chirco, Chair

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair

4.3 [Ratification of an Economic Partnership Agreement.](#)

- * **Recommendation:** Adoption of a resolution ratifying an Economic Partnership Agreement between the City of San José and Cambridgeshire and the East of England in the United Kingdom to promote economic and civic relations and foster improved connections for citizens, businesses and government in each region. CEQA: Not a Project. (Economic Development)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of actions related to the acquisition of a property by eminent domain for the District 6 Multi-Service Community Center.

Recommendation:

- (a) [Adoption of a resolution determining that the public interest and necessity require](#) the acquisition of vacant land owned by Donati Bascom Building, LLC, a California Limited Liability Company (“Donati”) located at 1000 South Bascom Avenue, San José, CA (APN Nos. 282-29-002, 003 & 004) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, File No. PP05-0126. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/Library)
 - (b) [Adoption of the following appropriation ordinance and funding sources resolution](#) amendments in the following funds:
 - (1) Subdivision Park Trust Fund:
 - (a) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the District 6 Multi-Service Community Center Project in the amount of \$1,575,000;
 - (b) Decrease the District 6 Park Acquisition and Development Reserve by \$1,180,000;
 - (c) Decrease the Future PDO/PIO Projects Reserve by \$395,000.
 - (2) Construction Tax and Property Conveyance (C and C) Tax Fund: Parks Purposes Council District 6:
 - (a) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the District 6 Multi-Service Community Center Project in the amount of \$505,000;
 - (b) Decrease the Ending Fund Balance by \$505,000.
 - (3) Branch Libraries Bond Projects Fund:
 - (a) Increase the Earned Revenue estimate by \$433,000;
 - (b) Increase the appropriation to the Library Department for the Land Acquisition Project by \$3,000,000;
 - (c) Decrease the Library Contingency Reserve by \$2,567,000.
- CEQA: Not a Project. Council District 6. (Parks, Recreation and Neighborhood Services/Library/City Manager's Office)

4.5 [Review and discussion of regulations pertaining to Off-Sale of Alcoholic Beverages.](#)

[Attachment](#)

- * **Recommendation:** Review and discussion of regulations pertaining to Off-Sale of Alcohol Beverages. (Campos)
(Deferred from 5/24/05 – Item 4.3 and 6/7/05 – Item 4.3)

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair

5.2 [Approval of an agreement for the Happy Hollow Parks Bond Project.](#)

Recommendation: Approval of the master agreement with URS Corporation for the design of the Happy Hollow Parks Bond Phase 1-Landfill Closure/Post Closure Project from the date of execution through December 31, 2009, in an amount not to exceed \$950,000. CEQA: Not a Project. (Public Works/Parks, Recreation and Neighborhood Services)

5.3 [Approval of a Donation Agreement between the City of San José and Robert J. Bettencourt for the Conveyance of the Pasetta House located at History Park.](#)

* **Recommendation:** Approval of a Donation Agreement between the City of San José and Robert J. Bettencourt for the Conveyance of the Pasetta House located at History Park. CEQA: Exempt, File No. PP05-132. (Mayor)
(Rules-in-lieu referral 6/8/05)

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 [Approval of the Airport's advertising concepts.](#)

[Supplemental](#)

Recommendation: Approval of the four advertising concepts for the advertising concession at Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, PP 05-112. (Airport)

8.2 [Approval of an agreement for the Airport Public Art Program.](#)

[Supplemental](#)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Gorbet Design, Inc. in an amount not to exceed \$250,000, to identify sites and design the appropriate infrastructure to accommodate the Airport

Public Art Program. CEQA: Resolution Nos. 67380 and 71451, and addenda thereto,
File No. PP05-063. (Airport/Office of Cultural Affairs)

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1, 10.2 AND 10.3 IN A JOINT SESSION

10.1 [Approval of actions related to the Santa Clara County Vector Control District's proposed special property assessment.](#)

[Supplemental](#)

*** Recommendation:**

- (a) Adoption of a City Council resolution in support of the Santa Clara County Vector Control District's proposed Mosquito, Vector and Disease Control special property assessment, in an amount of \$3,603.16, and direction to the City Clerk to complete, sign, and return the Official Ballot in support of the proposed special property assessment.
- (b) Adoption of a Redevelopment Agency Board resolution in support of the Santa Clara County Vector Control District's proposed Mosquito, Vector and Disease Control special property assessment, in an amount of \$258.66; and direction to the Executive Director to complete, sign, and return the Official Ballot in support of the proposed special property assessment.

CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

10.2 [Approval of the Mayor's June Budget Message.](#)

Recommendation: Approval of the Mayor's June Budget Message. (Mayor)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.3 Approval of the FY 2005-2006 Operating and Capital Budgets for the City of San José and Redevelopment Agency and Schedule of Fees and Charges.

Recommendation:

- (a) Adoption of a resolution by the City Council approving the Operating Budget for Fiscal Year 2005-2006 for the City of San José, the Capital Budget for Fiscal Year 2005-2006 for the City of San José, and the Five Year Capital Improvement Program for Fiscal Year 2006-2010 for the City of San José as revised by the Mayor's Budget Message and directing the City Manager to prepare the final documents for adoption.
- (b) Adoption of a resolution by the City Council establishing the Schedule of Fees and Charges for Fiscal Year 2005-2006.
- (c) Adoption of a resolution by the City Council establishing fees and charges for recreational and park activities.
- (d) Adoption of resolutions by the Agency Board approving:
 - (1) Operating Budget for Fiscal Year 2005-2006 for the Redevelopment Agency of the City of San José.
 - (2) Capital Budget for Fiscal Year 2005-2006 for the Redevelopment Agency of the City of San José.

CEQA: Not a Project.

(City Manager's Office/Redevelopment Agency)

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report

- **Notice of City Engineer's Pending Decision on Final Maps**
 * In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9645	S/E corner of 12 th and Orvis Streets	3	KB Homes	51 Units	SingleFamily	Approve
9706	97 Balbach Street	3	Balbach, LLC	14 Units	Condo	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9664	N/S of Blossom Hill Road, opposite terminus of Croydon Avenue	9	San José Conservation Corps.	7 Units	Single-Family Detached

- **Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.**
- **Adjournment**